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October 11, 2018

Honorable Frederick Block
U.S. District Judge
U.S. District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Ezell v. Ocwen Loan Servicing, LLC
18-cv-00949(FB)(SJB)

Dear Judge Block:

I am counsel for the Plaintiffs named in the above-entitled lawsuit. Currently pending before Your Honor is Defendant's motion to dismiss the Second Amended Complaint. Please consider this letter as a request to supplement Plaintiffs' opposition thereto with the following case decisions which were issued shortly before, on and after Plaintiffs' served their Memorandum in opposition to the Defendant's motion on August 24, 2018.

Defendant places great reliance upon *ACA Int'l v. FCC*, 885 F.3d 687 (D.C. Cir. 2018) in support of their motion to dismiss. However, the underlying decisions, each of which expressly considered *ACA Int'l v. FCC*, provide further support for the Plaintiffs' opposition to the Defendant's motion to dismiss:

1. *Heard v. Nationstar Mortg. LLC*, 2018 WL 4028116 (D. Ala., Aug. 23, 2018);
2. *Washington v. Six Continents Hotels, Inc.*, 2018 WL 4092024 (C.D. Cal., Aug. 24, 2018);
3. *Gonzalez v. Ocwen Loan Servicing, LLC*, 2018 WL 3134439 (M.D. Fla., Sept. 5, 2018);
4. *Marks v. Crunch San Deigo, LLC*, 2018 WL 4495553 (9th Cir., Sept. 20, 2018);
5. *Meza v. Sirius XM Radio, Inc.*, 2018 WL 4599718 (S.D. Cal., Sept. 25, 2018).

Respectfully submitted,

/ s / Robert L. Arleo

Robert L. Arleo

RLA:gra

Cc: Plaintiffs

All attorneys of record via ECF